

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOSEPH J. DIBENEDETTO,
Plaintiff,

vs.

NATIONAL RAILROAD PASSENGER
CORPORATION,
Defendant.

CIVIL ACTION NO.: 04-10570-RCL

**DEFENDANT NATIONAL RAILROAD PASSENGER CORPORATION'S
MOTION IN LIMINE TO PRECLUDE DR. JUPITER FROM PROVIDING ANY
OPINION TESTIMONY AT HIS JANUARY 5, 2006 AUDIO-VISUAL
DEPOSITION**

The defendant National Railroad Passenger Corporation ("AMTRAK") moves in limine to preclude Dr. Jupiter from providing any opinion testimony at his January 5, 2006 audio-visual deposition. As further grounds, the defendant states as follows:

The plaintiff has failed to identify Dr. Jupiter, or any other physician, as an expert medical witness and has failed to provide any of the disclosures required by Rule 26 with any opinion testimony which he expects to elicit from Dr. Jupiter. The deadline for disclosure of expert witnesses has passed and therefore, Dr. Jupiter must be precluded from providing any opinion testimony at his January 5, 2006 audio-visual deposition.

As further grounds for its *Motion*, AMTRAK states as follows:

AMTRAK refers to and specifically incorporates herein by this reference, its *Motion In Limine To Preclude The Testimony Of The Plaintiff's Expert Witnesses*, which was also filed today.

WHEREFORE, for all of the above-stated reasons, *National Railroad Passenger Corporation's Motion In Limine To Preclude Dr. Jupiter From Providing Any Opinion Testimony At His January 5, 2006 Audio-Visual Deposition* should be allowed.

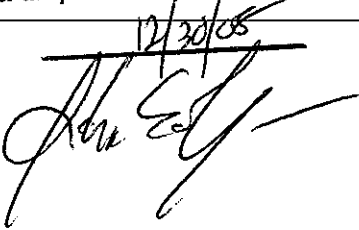
REQUEST FOR HEARING

In accordance with Local Rule 7.1(D), the defendant believes that oral argument, if necessary, may assist the Court and wishes to be heard and therefore requests that the Court schedule a hearing on its *Motion*.

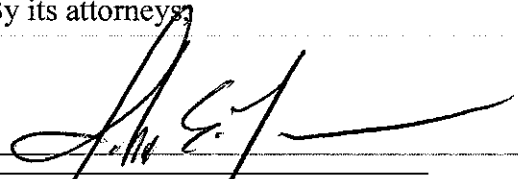
CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing pleading on all parties by hand/mail delivering same, to all counsel of record.
Signed under the pains and penalties of perjury.

DATED

12/30/05


Respectfully submitted,
National Railroad Passenger
Corporation,
By its attorneys,



Michael B. Flynn, BBO #559023
John E. Young, BBO #654093
FLYNN & ASSOCIATES, P.C.
400 Crown Colony Drive
Suite 200
Quincy, MA 02169
(617) 773-5500
(617) 773-5510 (facsimile)

DATED: December 30, 2005

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